

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ESTATE OF JACQUELINE NELSON et al., :
Plaintiffs, : 21-CV-7811 (JMF)
: ORDER
-v- :
HERMAN MILLER, INC. et al., :
Defendants. :
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JESSE M. FURMAN, United States District Judge:

On November 22, 2021, Defendant Herman Miller filed a motion to dismiss the complaint under Rule 12(b)(6) of the Federal Rules of Civil Procedure and Defendants the George Nelson Foundation, Karen Stein, and Karen D. Stein LLC filed a motion to dismiss or stay the case under Rule 12(b)(1) and 12(b)(6). In addition, all Defendants filed an alternative motion to transfer any claims remaining after resolution of the motions to dismiss to the United States District Court for the Western District of Michigan, pursuant to 28 U.S.C. § 1404(a). Under Rule 15(a)(1)(B), a plaintiff has twenty-one (21) days after the service of a motion under Rule 12(b) to amend the complaint once as a matter of course.

Accordingly, it is hereby ORDERED that Plaintiffs shall file any amended complaint by **December 14, 2021**. Plaintiffs will not be given any further opportunity to amend the complaint to address issues raised by the motion to dismiss.

If Plaintiffs do amend, by three (3) weeks after the amended complaint is filed, each Defendant shall: (1) file an answer; (2) file a new motion to dismiss; or (3) file a letter on ECF stating that it relies on the previously filed motion to dismiss. If Defendants file an answer or a new motion to dismiss, the Court will deny the previously filed motion to dismiss as moot.

If no amended complaint is filed, Plaintiffs shall file any opposition to the motions in the form of a single, consolidated response, not to exceed 50 pages, by **December 14, 2021**. Each set of Defendants' reply (in support of one or both motions, as the case may be), if any, shall be filed by **December 21, 2021**, not to exceed 15 pages.

Finally, it is further ORDERED that the initial pretrial conference previously scheduled for December 7, 2021 is adjourned *sine die*.

SO ORDERED.

Dated: November 23, 2021
New York, New York



JESSE M. FURMAN
United States District Judge